

1 John P. Aldrich, Esq.  
2 Nevada Bar No. 6877  
3 **ALDRICH LAW FIRM, LTD.**  
4 7866 West Sahara Avenue  
5 Las Vegas, NV 89117  
6 Telephone: (702) 853-5490  
7 Facsimile: (702) 227-1975  
8 [jaldrich@johnaldrichlawfirm.com](mailto:jaldrich@johnaldrichlawfirm.com)  
9 *Attorneys for Defendant*

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TASTY ONE, LLC d/b/a EARTH SMARTE  
WATER OF LAS VEGAS, Foreign Limited-  
Liability Company;

Plaintiff

vs.

EARTH SMARTE WATER, LLC d/b/a  
DENCOH20, LLC, an Arizona company; DOES  
I through X; and ROE CORPORATIONS I  
through X, inclusive,

Defendant

Case No.: 2:20-cv-01625-APG-NJK

**STIPULATION AND REQUEST FOR AN  
ORDER TO EXTEND THE DEADLINE  
TO FILE REVISED JOINT PRETRIAL  
ORDER**

**(Third Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, plaintiff Tasty One, LLC d/b/a Earth Smarte Water of Las Vegas (“Plaintiff”), by and through its attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES and defendant Earth Smarte Water, LLC d/b/a DENCOH20 (“Defendant”), by and through its attorney of record, the law firm of ALDRICH LAW FIRM, LTD., as follows:

On August 9, 2022 this the parties filed their Proposed Joint Pretrial Order [ECF No. 87]. On August 10, 2022 the Court issued an order rejecting the Proposed Joint Pretrial Order, [ECF No. 88], and further ordering the parties to review the proposed exhibit lists, reduce the number of exhibits to a reasonable number for a four-day trial and provided there are no listed objections to the exhibits, stipulate them in to evidence in conformance with LR 16-3 and 16-4. *Id.* On September 1, 2022 a notice of suspension of counsel for defendant Craig Broadbent was filed with the Court [ECF No 91].

1 On September 1, 2022 the Court granted Plaintiff and Local Counsel for Defendant's stipulation to  
2 extend the deadline to file the Joint Pretrial Order by 45 days to allow Defendant to retain new counsel.  
3 The current deadline to submit a revised Proposed Joint Pretrial Order is October 21, 2022. *Id.*

4 Since the stipulation to extend the deadline to file the Proposed Joint Pretrial Order was  
5 granted, Defendant has now retained Aldrich Law Firm, Ltd. and specifically attorney John P. Aldrich,  
6 as lead counsel in this matter. Although Mr. Aldrich was acting as local counsel in this matter, he had  
7 only peripheral involvement in the case prior to Mr. Broadbent's suspension. Once Mr. Broadbent  
8 was admitted *pro hac vice*, Mr. Broadbent handled all aspects of the case.

9 Following Mr. Broadbent's suspension, Earth Smarte retained Aldrich Law Firm, Ltd. as lead  
10 counsel and Mr. Aldrich took over the handling of the case. Aldrich Law Firm, Ltd. was retained on  
11 September 6, 2022, and shortly thereafter Mr. Aldrich was out of the country on a pre-planned  
12 vacation through the end of September.

13 The file came to Mr. Aldrich electronically, but for reasons unknown to him, the file came  
14 very jumbled. There was no organization to the file, and Mr. Aldrich's assistant spent many hours  
15 organizing the file to make it usable.

16 Since the file was obtained by Mr. Aldrich, both counsel have been in regular communication  
17 and have actively worked on agreeing to admit most of the trial exhibits in advance, with only a few  
18 documents subject to objections that will be resolved at trial (if not sooner after further discussion).

19 This afternoon, as counsel was working on finalizing exhibits, it came to Plaintiff counsel's  
20 attention that there are a significant number of documents on Defendant's proposed exhibit list that  
21 may not have been disclosed in discovery and may not be admissible at trial. In the spirit of good  
22 faith, Plaintiff's counsel agreed to allow Mr. Aldrich time to investigate this issue. Mr. Aldrich's  
23 office is working to determine if and how those documents may have been disclosed and/or provided  
24 to Plaintiff's counsel, and the parties need additional time to work through these issues. Consequently,  
25 in order to work through this significant issue that will materially affect trial and could foster  
26 settlement talks, the parties seek a fourteen (14) day extension of the deadline to submit the Joint  
27 Pretrial Order.

28 The trial dates contemplated by the parties are in the summer of 2023; this extension will not

1 cause any delay in the trial. The undersigned attorneys for Plaintiff and Defendant work well together  
2 and will engage in continued good faith efforts to resolve these issues in a timely manner.

3 This is the parties' third request for an extension of this deadline, and if granted, the third  
4 extension of any deadline in this matter. This extension is not intended to cause delay or prejudice to  
5 any party.

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7 IT IS SO STIPULATED.

8 DATED this 21st day of October 2022.

DATED this 21st day of October 2022.

9 **ALDRICH LAW FIRM, LTD.**

**MAIER GUTIERREZ & ASSOCIATES**

10  
11 */s/ John P. Aldrich*

*/s/ Jean-Paul Hendricks*

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13 John P. Aldrich, Esq.  
14 Nevada Bar No. 6877  
15 7866 W. Sahara Avenue  
16 Las Vegas, Nevada 89117  
17 *Attorney for Defendants Earth Smarte Water,*  
18 *LLC d/b/a DENCOH20, LLC*

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JOSEPH A. GUTIERREZ, ESQ.  
Nevada Bar No. 9046  
JEAN-PAUL HENDRICKS, ESQ.  
Nevada Bar No. 10079  
8816 Spanish Ridge Avenue  
Las Vegas, Nevada 89148  
*Attorneys for Plaintiff Tasty One, LLC d/b/a*  
*Earth Smarte Water of Las Vegas*

19 **ORDER**

20 IT IS SO ORDERED this 24th day of October, 2022.

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24 **UNITED STATES DISTRICT JUDGE**  
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